



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Dimmid, Inc.,) Docket No. TSCA-02-2023-9226
)
Respondent.)

**ORDER ON COMPLAINANT’S MOTION FOR EXTENSION OF FEBRUARY 2, 2024
DEADLINE**

On October 10, 2023, I issued a Prehearing Order setting dates for the parties to conduct prehearing exchanges. Prehr’g Order at 4. On November 13, 2023, I granted Complainant’s first motion requesting a two-month extension of those deadlines to facilitate settlement discussions. Order on Complainant’s Mot. to Extend Prehr’g Exchange Deadlines; see Mot. for Extension of Prehr’g Exchange Deadlines (Nov. 7, 2023). On December 22, 2023, Complainant filed a status report informing this Tribunal that the parties had agreed to a settlement, and on January 6, 2024, Complainant filed a second motion to extend the prehearing exchange deadlines by two weeks to allow time to finalize an agreement. Mot. for Extension of Jan. 19, 2024 Deadline at 2. I granted the extension, setting deadlines of February 2, 2024, for Complainant’s initial prehearing exchange; February 23, 2024, for Respondent’s prehearing exchange; and March 8, 2024, for Complainant’s rebuttal prehearing exchange. Order on Complainant’s Mot. to Extend Prehr’g Exchange Deadlines (Jan. 9, 2024).

On January 24, 2024, Complainant filed its third motion to extend the prehearing exchange deadlines (“Motion”), this time requesting a three-week extension. Mot. at 1. According to Complainant, although the parties continue to agree on a settlement amount, the extension is necessary to agree upon the language that will ultimately be used in the Consent Agreement and Final Order. Mot. at 4-5. Respondent does not oppose the Motion. Mot. at 5.

The Rules of Practice governing this proceeding provide that “the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 C.F.R. § 22.7(b). As a timely motion showing good cause has been filed, and Respondent does not oppose the Motion, the requested extension is hereby **GRANTED**.

The new deadlines for the parties to file their prehearing exchanges shall be:

February 23, 2024 Complainant’s Initial Prehearing Exchange

March 15, 2024 Respondent’s Prehearing Exchange

March 29, 2024

Complainant's Rebuttal Prehearing Exchange

The fully executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **February 23, 2024**, and a courtesy copy shall be filed with the Headquarters Hearing Clerk. In the event that a fully executed Consent Agreement and Final Order is not filed on or before February 23, 2024, the parties must prepare for hearing and shall strictly comply with all other requirements of the Prehearing Order.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: January 25, 2024
Washington, D.C.

In the Matter of *Dimmid, Inc.*, Respondent.
Docket No. TSCA-02-2023-9226

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of February 2, 2024 Deadline**, dated January 25, 2024, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Copy by OALJ E-Filing System to:
U.S. Environmental Protection Agency
Office of Administrative Law Judges
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

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For Respondent

Dated: January 25, 2024
Washington, D.C.